

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONSTELLATION NEWENERGY, INC.,	:	
Plaintiff,	:	
	:	
v.	:	No. 02-CV-2733 (HB)
	:	
POWERWEB TECHNOLOGIES, INC., <i>et</i>	:	
<i>al.</i> ,	:	
Defendants.	:	

**INITIAL DISCLOSURES BY POWERWEB TECHNOLOGIES, INC.**

In accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure, Powerweb Technologies, Inc. ("Powerweb") submits the following initial disclosures to Constellation NewEnergy, Inc. ("NewEnergy"):

**A. Individuals Likely to Have Discoverable Information**

	<u>Witness</u>	<u>Subjects of Information</u>
1.	Martin Anderson c/o counsel for Powerweb	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
2.	Andrew Bakey c/o counsel for Powerweb	Business dealings and communications between Powerweb and New Energy.
3.	Dan Baker c/o counsel for NewEnergy	Business dealings and communications between Bell Atlantic and NewEnergy, and the Bell Atlantic project.
4.	Michael Barford c/o counsel for Powerweb	Technical information relating to the software and network platforms of the Omni-Link System.
5.	Joe Bonner c/o counsel for Powerweb	Business dealings and communications between Powerweb and NewEnergy.

<u>Witness</u>	<u>Subjects of Information</u>
6. Lothar Budike, Jr. c/o his counsel	Business dealings and communications between Powerweb and NewEnergy, NewEnergy's improper disclosure and use of information it received from Powerweb, and Powerweb's counterclaim in general.
7. A-Valey Engineers, Inc. c/o its counsel	The engineering work, field audits, and studies performed for Powerweb and NewEnergy relating to the Bell Atlantic project.
8. Jim Curnyn c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
9. David A. DePerro Government Sales Manager Cutler-Hammer Suite 100 955 Rockside Woods Blvd. Independence OH 44131	Business dealings and communications between Powerweb and NewEnergy.
10. George Drosdowich, Esq. c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
11. Jim Goodman Manager - Real Estate Bell Atlantic Corp. 216 Morris Avenue Spring Lake NJ 07762	NewEnergy's business dealings with Bell Atlantic, and the Bell Atlantic project.
12. Kirk Hampton c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.

	<u>Witness</u>	<u>Subjects of Information</u>
13.	Jon Harkness c/o counsel for Powerweb	The factual allegations contained in Powerweb's counterclaim against NewEnergy.
14.	George Harris c/o counsel for Powerweb	Technical information relating to the software and network platforms of the Omni-Link System.
15.	F. Huang c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.
16.	Brian Hayduk c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
17.	James P. Hopkins Bell Atlantic Corp. 216 Morris Avenue Spring Lake NJ 07762	NewEnergy's business dealings with Bell Atlantic, and the Bell Atlantic project.
18.	Darcelle Lahr c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.
19.	David Lahr c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
20.	Paul Langbein c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
21.	Steve Levine c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.

<u>Witness</u>	<u>Subjects of Information</u>
22. Diedra Lord c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
23. Jeremy Metz Bell Atlantic Corp. 216 Morris Avenue Spring Lake NJ 07762	NewEnergy's business dealings with Bell Atlantic, and the Bell Atlantic project.
24. Keith Mistry c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
25. David McGeown, PE c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
26. David McLaughlin c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
27. Robert Morgan c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
28. Sean Mullen c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.

	<u>Witness</u>	<u>Subjects of Information</u>
29.	R. Palmer c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.
30.	Kevin Santella c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.
31.	Mr. Peter Scarpelli Vice President of Strategy & Business Development RETX, Inc. Plaza 400, Suite 180 5883 Glenridge Drive Atlanta, GA 30328-5339	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
32.	Doug Short c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
33.	Andrew Singer c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy, and NewEnergy's improper disclosure and use of information it received from Powerweb.
34.	Kelly Speakes c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.
35.	Stu Temple c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.
36.	Aaron Thomas c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.
37.	Derik Viner c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.
38.	E. Wasilewski c/o counsel for NewEnergy	Business dealings and communications between Powerweb and NewEnergy.

**B. Supporting Documents in Powerweb's Possession**

1. Communications between Powerweb and Bell Atlantic.
2. Communications between Bell Atlantic and NewEnergy.
3. Communications between Powerweb and NewEnergy.
4. Communications between Powerweb and AES Cilco.
5. Communications between NewEnergy and AES Cilco.
6. Confidentiality Agreement executed by NewEnergy in favor of Powerweb.
7. Letter Agreement signed by Powerweb and NewEnergy.
8. Joint-Venture Agreement signed by Powerweb and NewEnergy.
9. Joint-Marketing Agreement signed by Powerweb and NewEnergy.
10. Profit Distribution Agreement signed by Powerweb and NewEnergy.
11. Letter of intent signed by Powerweb and NewEnergy.
12. Internal memoranda and email by NewEnergy regarding Powerweb, the Omni-Link System, Energy Technology information and/or capacity resale.
13. Documents and information that Powerweb provided to NewEnergy.
14. Presentations created by NewEnergy on the benefits of capacity resale and electric curtailment.
15. Correspondence between A-Valey Engineers and Powerweb regarding the work described in the amended complaint.
16. Press release issued by Powerweb detailing the strategic alliance between Powerweb and NewEnergy.
17. Promotional materials generated by NewEnergy detailing its capacity resale projects.
18. Patents and related documents regarding the Omni-Link System.
19. Copies of the Omni-Link software and related documents.

The documents listed above are in the possession of Powerweb and its counsel.

**C. Computation of Damages**

Powerweb's damages include expenses related to the Bell Atlantic project and lost profits on that project and many others, the full extent of which has not yet been determined.

**D. Existence and Contents of Any Insurance Agreements**

NewEnergy has not yet disclosed whether it has a policy of insurance that may cover Powerweb's counterclaim. Powerweb is not aware of any insurance policy that would apply to NewEnergy's claims against Powerweb.

**E. Supplementation**

Powerweb reserves the right to supplement these disclosures.

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Dated: November 21, 2002

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POWERWEB TECHNOLOGIES, INC., <i>et</i>	:	
<i>al.</i> ,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing disclosures was served today upon counsel for Constellation NewEnergy, Inc. by first-class mail, postage prepaid, addressed as follows:

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Dated: November 21, 2002